Instructions for bringing a motion without notice in your family court case

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Based on the answers you gave in the pathway, you’ve completed the following:

* Form 14: Notice of Motion
* Form 14A: Affidavit (General)
* Draft Form 14D: Order on Motion Without Notice

There are a few things you have to do before you can make a motion in your family law court case. We explain them in the steps below.

What you have to do at each step depends on how you plan to give your documents to the court. This is called “filing”. There are 2 ways to do this. You can file them in person at the courthouse or online.

**Figure out if you can file online**

The government has a number of rules about who can file online and how to do this. These are listed at [www.ontario.ca/familyclaims](http://www.ontario.ca/familyclaims).

The instructions below explain what you need to do if you’re filing your documents in person or online.

**Getting legal help**

If you need legal help or need to talk to a lawyer at any point during the process, there’s information about this on the Steps to Justice website at [www.stepstojustice.ca/getting-legal-help-family-law](http://www.stepstojustice.ca/getting-legal-help-family-law).

Step 1: Get a date for the hearing

If you are making a motion without notice, contact the **trial coordinator** at the courthouse you’re using and ask how to get a date.

If your case is in the Superior Court of Justice, you can find the trial coordinator's contact information on the [Superior Court of Justice website](http://www.ontariocourts.ca/scj/practice/schedules/). Select your region, and then click ‘Trial Coordinator Directory’. Here you can find a phone number for the trial coordinator at your courthouse.

If your case is in the Ontario Court of Justice, you can find the phone number for your court on the [Ontario Court of Justice website](https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/poa/#J). Call the number labelled ‘General Inquiry’ and ask for the Trial Coordinator.

Step 2: Check, print, and sign your documents

**Check your forms**

Read through all the forms that the pathway produced. Make sure that the information in them is correct.

The forms are in Microsoft Word document format and set up so that you can change or add information to them.

**Prepare your Form 14A**

The court has a limit on how long the Form 14A: Affidavit can be. This limit depends on whether you are making a regular motion or a long motion.

If you are making a regular motion, the Form 14A cannot be longer than **12 pages.**

**The font size must be at least 12pt. The affidavit has to be double-spaced**.

Below are the instructions to make text double-spaced:

* If using a PC, highlight the text and hit the “Ctrl” button and then “2”.
* If using a Mac, highlight the text and hit the “Command” button and then “2”.

If you are making a long motion, you can contact the courthouse where your motion will be heard for more information about page limits for the Form 14A: Affidavit.

Depending on what you’re asking the court for, you have to attach and label the documents that support what you say in your affidavit. These documents are called **exhibits**.

Your exhibits should not be more than an additional 10 pages.

You should only include parts of the exhibit that are necessary and relevant to your argument. For example, if including a text exchange, you only need to include the relevant text messages, not the entire conversation.

There are some documents that can be included as exhibit, but which are not counted as part of the page limits. For example:

* proof of income
* support calculations
* police reports
* Children’s Aid Society reports
* previous orders or endorsements

The pathway produces Form 14A: Affidavit with a list of the exhibits you mentioned in your affidavit. Each exhibit is currently listed as ‘Exhibit X’. You must **check and re-label all the exhibits** before you print your form.

Read through the list of exhibits. Make sure they are all included and listed in the correct order. If you want to add or delete an exhibit, make sure you add or delete it from the text of your Form 14A as well.

Once the list of exhibits is correct, replace the ‘X’ in each ‘Exhibit X’ label with the correct letter. You must label each exhibit with the same letter of the alphabet you gave it in Form 14A. Then, make sure the exhibits are listed in alphabetical order, starting with Exhibit “A”, “B”, “C”, and so on. Write the exhibit letter on the document itself.

For example, if you name a document ‘Exhibit B’ in your affidavit, it must be labelled ‘Exhibit B’ in your list of exhibits. It should also be the second document in the list, and you should label the document with a ‘B’.

**Updating financial information**

As part of your motion material, you may also have another 14A: Affidavit to update your financial information. This affidavit is **not** included in the page limit for your first Form 14A: Affidavit.

**Print your documents, if filing in person**

Once the information in all the forms that the pathway produced is correct, print them. You need **3 copies** of all your forms and documents. They have to be printed on **white, letter-sized paper**.

Place each exhibit behind the Form 14A in the order you gave in your list of exhibits.

**Sign and date Form 14: Notice of Motion**

You have to sign your Form 14: Notice of Motion where it says “Signature of person making this motion or of person’s lawyer”.

If filing **in person**, you need to sign all 3 copies of your Form 14: Notice of Motion.

If filing **online**, you can sign the Form 14: Notice of Motion by:

* using a certificate-based digital signature produced by a software, like DocuSign or Adobe,
* printing, signing by hand, and then scanning the signed document, or
* signing directly onto the document with a stylus, trackpad, or a touchscreen.

The court will **not** accept a typed signature.

**Swearing or affirming court forms**

The Form 14A: Affidavit must be sworn or affirmed. This means you have to **swear or affirm** that the information in your form is true before you sign it. You can be charged for committing a crime if you don't tell the truth.

You do this in front of a notary public or [commissioner for taking affidavits](https://www.ontario.ca/page/find-notary-public-or-commissioner-oaths-taking-affidavits#section-2). This person also signs and dates the form, as well as each exhibit attached to the Form 14A.

Court clerks are commissioners for taking affidavits. So you can sign in front of the court clerk. They’ll do this for free. At the court, when you give your documents to the court clerk, let them know you want to swear or affirm some forms.

You can also find a commissioner for taking affidavits at certain ServiceOntario centres. Other people can also do this, for example, a lawyer, notary public, judge, or paralegal. But they may charge you a fee.

You may also have to swear or affirm some other forms in your motion with notice, such as a Form 13: Financial Statement (Support Claims) or Form 13.1: Financial Statement (Property and Support).

You have to swear and affirm all 3 sets of your documents, if filing in person.

**If you can’t get a form sworn in person**

If it is not possible to get your form sworn in person, you may be able to get it sworn or commissioned remotely. You do this by signing the document in front of the commissioner by video conference (for example, using Skype, Zoom, or FaceTime) and then sending the original document to the commissioner to sign.

Step 3: Collect any additional documents

**Find out if you have to complete other court forms**

Depending on what you’re asking the court for, you may have to fill out other court forms.

If your Form 13.1: Financial Statement (Property and Support Claims) or Form 13: Financial Statement (Support Claims) will be more than 30 days old on the date the motion will be heard, you have to fill out **one** of the following:

* Form 13.1: Financial Statement (Property and Support Claims), if there has been a major change to your financial situation. For example, you got a new job and your income increased after you filled out your last Financial Statement

**or**

* Form 14A: Affidavit if there is no change or only minor changes to your Financial Statement. You must give details of any changes.

You must also fill out Form 13A: Certificate of Financial Disclosure.

Figure out the other forms you need to fill out and include with your Form 14: Notice of Motion.

**Guided Pathways to other court forms**

There are other Guided Pathways that can help you fill out other court forms.

Your account dashboard will have links to pathways you can use to fill out the forms you need to complete. Log in to your Guided Pathways account at <https://www.cleointeractivehelp.ca/> to access these pathways.

Once you’ve completed those pathways to fill out the other court forms, you may need to collect documents that support what you say in those forms. Then, you need to include those forms and documents with your motion material.

The court has specific rules about how to prepare your documents before you give them to the court. These rules are explained in the next step.

**Factum or Summary of Argument**

A Factum or Summary of Argument is a written summary of the key facts from your affidavit, as well as the rules and the law that apply to your case.

A Factum is usually needed for cases at the Superior Court of Justice that take longer than an hour. One benefit of a short motion is that in some courts you do not need to include a Factum.

To figure out whether you need to include a Factum or Summary of Argument in your Superior Court of Justice case, visit the website for the region your court is in: [Central South Ontario](http%3A%2F%2Fwww.ontariocourts.ca%2Fscj%2Fpractice%2Fpractice-directions%2Fcentral-south%2Fcs%2F%23C_Motions), [Southwest Ontario](http%3A%2F%2Fwww.ontariocourts.ca%2Fscj%2Fpractice%2Fpractice-directions%2Fsouthwest%2Fsw%2F%23C_Special_Appointments_for_Motions_and_Applications), [East Ontario](http%3A%2F%2Fwww.ontariocourts.ca%2Fscj%2Fpractice%2Fpractice-directions%2Feast%2Ffamily%2F%23A_Regular_Motions), [Central East Ontario](http%3A%2F%2Fwww.ontariocourts.ca%2Fscj%2Fpractice%2Fpractice-directions%2Fcentral-east%2Ffamily%2F%23F_Factums_and_Briefs_of_Authorities), [Northeast Ontario](http%3A%2F%2Fwww.ontariocourts.ca%2Fscj%2Fpractice%2Fpractice-directions%2Fnortheast%2Ffamily%2F%23C_Factums_and_Briefs_of_Authorities), [Northwest Ontario](http%3A%2F%2Fwww.ontariocourts.ca%2Fscj%2Fpractice%2Fpractice-directions%2Fnorthwest%2Ffamily%2F%23C_Factums_and_Briefs_of_Authorities), [Central West Ontario](http%3A%2F%2Fwww.ontariocourts.ca%2Fscj%2Fpractice%2Fpractice-directions%2Fcentral-west%2Fcw%2F%23G_Factums_Summaries_of_Arguments_and_Briefs_of_Authorities), or [Toronto](http%3A%2F%2Fwww.ontariocourts.ca%2Fscj%2Fpractice%2Fpractice-directions%2Ftoronto%2Ffamily%2F%23C_Factums_Summaries_of_Arguments_and_Briefs_of_Authorities).

Step 4: Give your documents to the court

Your documents can be filed in person at the courthouse or online through the Ministry’s eFiling [portal](https://www.ontario.ca/page/file-family-court-documents-online).

If you are filing your documents at the courthouse, take your documents to the court you selected when you went through the pathway. You **must** go to this court.

This is the court you selected:

**If filing online:**

If you’re filing online, go to [Ontario.ca/familyclaims](https://www.ontario.ca/page/file-family-court-documents-online) and follow the instructions.

You will need a [ONe-key account](https://www.one-key.gov.on.ca/iaalogin/IAALogin.jsp?GAREASONCODE=-1&GARESOURCEID=QUARTSAPP&GAURI=https://www.services.mah.gov.on.ca/ouiquarts_enu) to file online. You may already have this if you’ve used ServiceOntario online. The username and password you used for the pathways **won’t** work.

When filing online, all of your documents must be submitted as PDFs. There are also rules for naming your documents when filing online.

**Naming files**

Your documents must have the following information in the file name in this order:

1. The type of document and, if there is one, the form number. For example, “Form 14A: Affidavit (General)”.
2. Your role in the case.
3. Your first initial and last name
4. The date the document was created written out as DD-MMM-YYYY. (For example, 05-JUN-2021).

Here are some examples:

* **Form 14A: Affidavit (General) – Applicant – J. Doe – 05-MAR-2022**
* **Form 14: Motion Form – Applicant – J. Doe – 18-JAN-2021**

**Tip:** Have your documents and court number ready before you start filing online. Your session will automatically end if you are inactive for 15 minutes. Your work will not be saved and you will need to start over.

There is more information about filing online on CLEO’s [Steps to Justice](https://stepstojustice.ca/questions/family-law/how-do-i-file-court-forms-my-family-case-online/) and on the Justice Services [website](https://www.ontario.ca/page/file-family-court-documents-online#section-0).

**Update your Continuing Record, if filing in-person**

If you are **updating documents** **already in the Continuing Record** as part of your motion without notice, you must file the updated document in the Continuing Record and update the Table of Contents. You do this together with the court staff when you give the court your documents.

Every time you or the other party updates the Table of Contents with a new document, you should get a copy of the updated Table of Contents from the court.

Step 5: Upload your documents to CaseLines, if required

CaseLines is an online system that allows the Court and parties to access document filed in a case for in-person and remote court hearings. It is not the same as the online filing system.

If you receive an invitation to use CaseLines, you will need to upload your completed documents after you receive confirmation from the court that they have received the documents you filed.

If you are required to use CaseLines and do not upload the necessary materials, the judge may not review them.

Thomson Reuters provides support for technical issues with CaseLines.  You can contact them by:

* phone at 1-800-290-9378
* email at [westlaw.softwaresupport@tr.com](mailto:westlaw.softwaresupport@tr.com)

The Ministry of the Attorney General’s Court Services Division also offers a technology support hotline. To access this support call 1-800-980-4962.

Step 6: Get your temporary order

On the day of your motion, you will appear in front of a judge.

If your motion is successful, you get a temporary order. The order applies for a short period of time, usually not more than 14 days. This is because the judge only heard your evidence when deciding and needs to hear from the other party.

**Serve the other party**

You have to follow the judge’s instructions after they make a decision. Usually this means that you must serve the other party with your documents immediately. This means they have to get a copy of your Form 14D: Order on Motion without Notice and any other documents you included in your motion without notice, such as your Form 14: Notice of Motion and Form 14A: Affidavit.

You can serve the other party yourself. Or you can ask a family member (but not your children) or friend to do this for you. This person must be at least 18 years old.

|  |
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| **If you’ve been abused by the other party** |
| If you think it would not be safe for a friend or family member to serve your documents to the other party, you can ask the court clerk to arrange for your documents to be served. |

**Give the court proof your documents were served**

The court wants proof that the other party got a copy of your documents. So the person who served your documents must fill out the Form 6B: Affidavit of Service.

The form asks for:

* the name of the person who served the documents
* the name of the person who was served
* when the documents were served, for example, the day, month, and year
* where the documents were served, for example, the house number, apartment number, street name, city, and province
* what documents were served, for example, Form 14D: Order on Motion Without Notice, Form 14A: Affidavit, and Form 14: Motion Form
* how the documents were served, for example, in person.

The Form 6B: Affidavit of Service must be sworn or affirmed. **Step 3** explains how you can get a form sworn or affirmed.

You must give the court this form after it’s been filled out and sworn. You can do this as soon as the other party gets your documents. You can give the court the Form 6B either in person or electronically via the ministry’s [online filing system](https://www.ontario.ca/page/file-family-court-documents-online). If doing this in person, you should make a copy of the sworn Form 6B: Affidavit of Service for your records before you give the original to the court.

**Confirm your next hearing date**

The court will often ask you and the other party to return to court shortly after the order is made. More [information on motion hearings and what happens at one](https://stepstojustice.ca/steps/family-law/5-go-your-next-hearing) is available on the Steps to Justice website.

CLEO’s [Steps in a Family Law Case](https://familycourt.cleo.on.ca/en/about-flowcharts) can help you understand the family law court process in Ontario.